



# DEPARTMENT OF ADMINISTRATION

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December 13, 2021

**GENERAL SERVICES AGENCY CIRCULAR NO.: 2021-013**

To: All Department and Agency Heads

From: Chief Procurement Officer

Subject: **Submission of Annual Report to the Chief Procurement Officer**  
Ref: **Listing All Contracts Awarded During the Preceding Year**

***Håfa Adai!*** This serves as a reminder to all agency/department heads that the requirement under 2GAR-Administration, Div. 4 – Procurement Regulations, §3114(o) Reports, to submit an Annual Report to the Chief Procurement Officer a listing of all contracts awarded under §3114 of these regulations during the preceding fiscal year.

Additionally, the report shall identify the parties to the contract, the contract amount, duration and the services to be performed thereunder. A copy of §3114(o) is attached for your reference. **Please submit reports no later than December 28, 2021.**

Your attention and full cooperation in this matter is greatly appreciated. ***Si Yu'os Ma'åse.***

  
CLAUDIA S. ACFALLE

Attachment

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(FDA), of those drug products having the same active chemical ingredients.

**SOURCE:** Added to comply with 5 GCA §270. Eff. 1/1/1999.

**§3113.2. Government to Purchase Drugs from Manufacturer.** Whenever possible, the Chief Procurement Officer or his designee, shall purchase drugs, generic or otherwise, directly from the manufacturer so as to ensure and maximize economy.

**SOURCE:** Added to comply with 5 GCA §270. Eff. 1/1/1999.

**§3113.3. Authority.** All purchases of drugs directly from the manufacturer shall cite this section as authority, and each purchase order document shall reflect the following statement - "REF: 5 GCA §3258."

**§3114. Competitive Selection Procedures for Services Specified in §2112 (Authority to Contract for Certain Services and Approval of Contracts) of these Regulations.** (a) Application. The provisions of this Section apply to every procurement of the services of accountants, physicians, lawyers, dentists, and other professionals as specified in §2112 (Authority to Contract for Certain Services and Approval of Contracts) of these Regulations.

(b) Conditions for use of Competitive Selection Procedures. Except as authorized under 5 GCA §3214 (Sole Source Procurement) or 5 GCA §3215 (Emergency Procurement) of the Guam Procurement Act, competitive selection procedures shall be used for all procurement of the services listed in Section 3114(a) (Application) in excess of \$5,000. Any procurement of such services not in excess of this amount may be procured in accordance with Section 3111 (Small Purchases) of this Chapter.

(c) Determination Required Prior to Use of Competitive Selection Procedures For the purposes of procuring the services specified in §3114(a)

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(Application), any using agency of the territory may act as a Purchasing Agency except as otherwise provided by law. (The Purchasing Agency shall consult with the Chief Procurement Officer or a designee of such office when procuring such services). However, the Chief Procurement Officer may, in his or her discretion, procure services for a using agency when requested. In either case, the head of the using agency or a designee of such officer shall determine in writing, prior to announcing the need for any such services;

(1) that the services to be acquired are services specified in §3114(a);

(2) that a reasonable inquiry has been conducted, which shall include requesting the appropriate Personnel Services Department to report on the availability of such personnel, and the territory does not have the personnel nor resources to perform the services required under the proposed contract;

(3) the nature of the relationship to be established between the using agency and the contractor by the proposed contract; and

(4) that the using agency has developed, and fully intends to implement, a written plan for utilizing such services which will be included in the contractual statement of work.

(d) **Statement of Qualifications.** When the services specified in §3114(a) (Application) are needed on a recurring basis, the Procurement Officer shall actively solicit persons engaged in providing such services to submit annual statements of qualifications in a prescribed format which shall include the following information:

(1) technical education and training;

(2) general or special experience, certifications, licenses, and membership in professional associations, societies, or boards;

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(3) an expression of interest in providing a particular service specified in §3114(a); and

(4) any other pertinent information requested by the Procurement Officer.

Persons may amend statements of qualifications at any time by filing a new statement.

(c) **Public Notice in Competitive Selection Procedures.** Notice of the need for services specified in Section 3114(a) (Application) be made by the Procurement Officer in the form of a Request for Proposals at least ten (10) days before the proposals are due. Adequate public notice shall be given as provided in §3109(f) (Public Notice), and additionally shall consist of distributing Requests for Proposals to persons interested in performing the services required by the proposed contract.

(f) **Request for Proposals.**

(1) **Contents.** The Request for Proposals shall be in the form specified by the Procurement Officer and contain at least the following information:

(A) the type of services required;

(B) a description of the work involved;

(C) an estimate of when and for how long the services will be required;

(D) the type of contract to be used;

(E) a date by which proposals for the performance of the services shall be submitted;

(F) a statement that the proposals shall be in writing;

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(G) a statement that offerors may designate those portions of the proposals which contain trade secrets or other proprietary data which may remain confidential;

(H) a statement of the minimum information that the proposal shall contain, to include:

(i) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;

(ii) if deemed relevant by the Procurement Officer, the age of the offeror's business and average number of employees over a previous period of time, as specified in the Request for Proposals;

(iii) the abilities, qualifications, and experience of all persons who would be assigned to provide the required services;

(iv) a listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a period of time, as specified in the Request for Proposals;

(v) a plan giving as much detail as is practical explaining how the services will be performed; and

(vi) the factors to be used in the evaluation and selection process and their importance.

(2) Evaluation. Proposals shall be evaluated only on the basis of evaluation factors stated in the Request for Proposals. The following factors may be appropriate to use in conducting the evaluation. The relative importance of these and other factors will vary